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Poindexter, North Refuse To Testify

White House Is Alleged To Limit Access to Data

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In an atmosphere of high expectation and continuing mystery, two of President Reagan's former assistants who are most closely identified with the clandestine Iran weapons scheme refused to testify in public before the House Foreign Affairs Committee yesterday, invoking their Fifth Amendment protections against self-incrimination.

Vice Adm. John M. Poindexter, Reagan's former national security adviser, and his one-time assistant, Lt. Col. Oliver L. North, appeared before a nationally televised hearing for the first time. They answered no questions about the secret arms shipments to Iran or the diversion of money to aid the contra rebels fighting the government of Nicaragua that are the focus of the most serious crisis of the Reagan presidency.

Speaking in a quavering voice and biting his lip, North, a decorated officer who appeared in his Marine Corps uniform, told Rep. Lee H. Hamilton (D-Ind.):

"I don't think there's another person in America that wants to tell this story as much as I do, sir."

But North said he "respectfully and regretfully" would not answer questions about the secret schemes, in order to protect his constitutional rights. He would not even say whether he was fired by Reagan or had resigned from the National Security Council staff.

On the other side of Capitol Hill, retired Air Force major general Richard V. Secord, appearing at a closed hearing of the Senate Select Committee on Intelligence, also invoked his constitutional protection against self-incrimination and refused to testify about his role in the Iranian arms deal, according to committee Chairman David F. Durenberger (R-Minn.). Secord has been linked both to those events and to the private network that was set up to help the contras.

Meanwhile, Secord's Iranian-born business partner, Albert Hakim, was identified yesterday by knowledgeable sources as the third person named in a Justice Department request as the targets of a U.S. criminal investigation. The request, which asks Switzerland to freeze two bank accounts linked to the clandestine funding of the contras, also names Secord and North, U.S. and Swiss sources have said.

In another development, a House Foreign Affairs Committee source said that the White House is seeking to limit the panel's access to key documents on the Iran and Nicaraguan scheme, allowing only two staff members, selected by the White House, to review the papers. "They're stonewalling," the source said. "They're appealing to the Republicans for help. We'll probably get some very limited access to some very limited documents."

Reagan has promised a full and complete disclosure to Congress about the Iran and Nicaragua operations.

North, who the administration has said was the only person who knew "precisely" about the Iran operations, was a target of praise and scorn by lawmakers who hailed his patriotism but criticized his silence.

North offered a poignant description of his situation, saying that as a Marine Corps officer he is sworn to "support and defend" the Constitution, that he has "tried to do so honorably," but in the face of allegations that laws were broken, his lawyer has told him to "avail myself of the protections provided by that same Constitution that I have fought to support and defend."

North and Poindexter promised future cooperation with the Congress, but their Fifth Amendment vows, and those taken by others elsewhere, generated new debate about the problems of uncovering the full story of the Iran affair.

Senate intelligence committee members argued whether to seek immunity from prosecution for key witnesses, including North and Poindexter. Sen. Patrick J. Leahy (D-Vt.), vice chairman of the panel, said he is "dead set" against immunity for the two military men "because there's nothing they can tell us that we can't get without them."

But Sen. Orrin G. Hatch (R-Utah) said, "I think what we should do is get to the bottom of this problem, resolve it, get it over in the eyes of the American people and assess blame. Let's quit worrying about criminally prosecuting people. It's become very political. I think there are some who would like to prolong this embarrassment to this administration and not grant immunity."

Poindexter and North are not seeking immunity, their lawyers told the House Foreign Affairs panel. Durenberger, who will surrender the chairmanship of the intelligence committee when the new Democratic-controlled Senate convenes Jan. 6, said later yesterday that the issue of immunity had been discussed, without resolution, in an "intellectually spirited" session of the panel. The committee would have to apply to a court for immu[illegible]y for witnesses, staff members d.

Sen. David L. Boren (D-Okla.), o will succeed Durenberger as chairman, also opposed granting immunity but denied that he was staking out a partisan position. "I think it would be very irresponsible for us in a premature fashion to rule off-limits anyone who might have had principal responsibility potentially for wrongdoing," Boren said.

"What in the world would the American people think of this committee if prematurely we in essence put a fence around some of the people who might prove to be the most guilty, who might have even done the greatest disservice to the president?" he added.

Durenberger said he had the "impression" that the Nicaraguan rebels received less than has been estimated.

Attorney General Edwin Meese III said on Nov. 25 that $10 million to $30 million was diverted from the Iranian arms sales to the aid of the contras. Durenberger said that Central Intelligence Agency officials had testified that they could not see "evidence of any substantial sums of money" pouring into the rebels' coffers.

"We aren't sure yet if money even got to the contras," Durenberger said.

The Iran operations were the focus of several closed hearings yesterday. Robert C. McFarlane, who preceded Poindexter as national security adviser, talked in closed session to the House Permanent Select Committee on Intelligence.

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Michael Ledeen, until recently a consultant to the National Security Council, who worked closely with North during the initial stages of the contacts with Iran, appeared before a closed session of the Senate intelligence committee. North also appeared before the House intelligence committee, where, sources said, he also declined to answer questions, citing his Fifth Amendment rights.

Howard Teicher, another top official of the National Security Council, was asked to testify before the House Foreign Affairs Committee, but did not appear.

House Foreign Affairs Committee sources said McFarlane confirmed in the closed session on Monday that Teicher was among those who accompanied him to Iran last May. McFarlane also testified, they said, that on his return to Washington he did not mention the diversion of money to aid the Nicaraguan contras to the president. McFarlane has said he learned of the diversion on the trip to Iran with North and others.

In its open hearing yesterday, the committee learned nothing about the secret arms and money deals, but its members anguished about their conflicting desires to respect the constitutional rights of Poindexter and North while trying to learn more about what happened from two of the central players in the drama.

In one acrimonious exchange, Rep. Michael D. Barnes (D-Md.), who chaired the subcommittee that oversaw Central American policy and was a strong opponent of administration aid to the Nicaraguan rebels, praised Poindexter's attorney, Richard Beckler, for trying to protect his clients' interest. But then Barnes said the nation is in a "terrible trauma" and that Poindexter could "help pull us out of it" by telling what happened. Barnes suggested that Poindexter's personal legal situation "is perhaps not as important as your responsibility to our nation."

"The worst thing that could happen to you," Barnes said, "is that some jury somewhere will decide that you were guilty . . . . My judgment is that the worst thing that would happen then is that you would have a very short, probably suspended sentence somewhere . . . ."

Beckler issued a sharp protest, saying it was "nothing less than outrageous" for Barnes to "take a long leap forward to the end of a trial and suggest that my client would be convicted and then maybe only get a suspended sentence . . . ."

Barnes quickly apologized, saying he did not mean to imply that Poindexter was guilty of criminal activity.

Poindexter also created confusion among some members of the Foreign Affairs Committee when he chose to answer one question about the strategic importance of Iran, after having invoked the Fifth Amendment earlier. This led some members to think he might answer other questions, but he did not.

North drew praise from Rep. Gerald B. Solomon (R-N.Y.) and from Rep. Tom Lantos (D-Calif.), who offered to contribute to North's legal defense. But other members criticized the spectacle of two active-duty military officers taking the Fifth Amendment. Rep. Mervyn M. Dymally (D-Calif.) quoted testimony Monday by Secretary of State George P. Shultz that "if a public servant is not prepared to tell the truth, he has no business being a public servant."

Hamilton said the Library of Congress had told him that before Poindexter's testimony, no active-duty admiral in the nation's history had taken the Fifth Amendment before a congressional panel.

Rep. George W. Crockett Jr. (D-Mich.), a Detroit lawyer and former judge, recalled how he had represented a witness before the House Un-American Activities Committee many years ago who protested her loyalty in response to a question and was later found to have waived her Fifth Amendment right by that response. Crockett suggested that North had also waived his with the statement that he had tried to honestly uphold the Constitution.

Crockett then asked North if Reagan fired him, or if he had resigned from the National Security Council staff. After several protests about the question from his attorney, Brendan Sullivan, North responded: "Congressman Crockett, on the advice of counsel, I respectfully and regretfully decline to answer the question based on my constitutional rights."

Today, three panels are to hold closed hearings about Iran and Nicaragua. The Foreign Affairs Committee is scheduled to hear CIA Director William J. Casey; the House intelligence committee meets without an announced witness, as does the Senate intelligence panel.

Staff writers Tom Kenworthy, Joanne Omang, Walter Pincus, George C. Wilson and staff researcher Michelle Hall contributed to this report.

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